

PUBLIC CHAPTER NO. 849

HOUSE BILL NO. 4196

By Representatives Favors, Odom

Substituted for: Senate Bill No. 4194

By Senators Kyle, Henry, Marrero

AN ACT to amend Tennessee Code Annotated, Section 63-7-116, relative to the creation of panels for contested case hearings and disciplinary matters before the board of nursing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-7-116, is amended by adding the following language as a new subsection (i):

(i) Notwithstanding any other provision of law to the contrary, for purposes of contested case hearings and disciplinary matters, three (3) or more members shall constitute a quorum and the board chair is authorized, when it is deemed necessary, to split the board into panels of three (3) or more members, each to conduct contested case hearings or disciplinary matters. A majority vote of the members present on any duly constituted panel shall be required to authorize board action in disciplinary matters and contested case hearings. The board chair shall have the authority to appoint board members to serve, as necessary, on the panels regardless of the grand division from which the appointed member was chosen or the member's status as a nurse or non-nurse member. The participation of a non-nurse board member creates no rights in any individual concerning the composition of any panel in any disciplinary matter or contested case hearing. The unavailability of a member of any panel before rendition of a final order shall not require substitution of another member unless the unavailability results in there being less than the quorum required by this section for contested case hearings or disciplinary matters. Any substitute required shall use any existing record and may conduct any further proceedings as is necessary in the interest of justice. A decision by the panel shall be deemed an order of the board.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 21, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 30th day of April 2008



PHIL BREDESEN, GOVERNOR